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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,336	06/30/2000	Robert B. Barnhill JR.	6976	1994

7590 10/30/2003
Shlesinger Arkwright & Garvey L L P
3000 South Eads Street
Arlington, VA 22202

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,336

Applicant(s)

BARNHILL ET AL.

Examiner

Matthew s Gart

Art Unit

3625

-- Th MAILING DATE of this communication app ars on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10/6/2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The corrected or substitute drawings were received on 10/6/2003. The examiner accepts these drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenney U.S. Patent No. 6,026,376.

Referring to claim 1. Kenney discloses a method for ordering products online (Abstract), comprising:

- Providing a server system for connection to a client system, said server system including product and order databases (Figure 3);
- Allowing the client system to be connected to the server system (Figure 3);
- Displaying on the client system a worksheet having rows and columns, two of said columns comprising empty fields (Figure 9);
- Allowing a customer operating the client system to build the worksheet with products desired to be ordered by filling in the empty fields with the product stock

number included in the product database and corresponding quantities (Figure 10A and Figure 10B); and

- Allowing the customer to submit the worksheet to the server system to obtain a quote as to product price and availability or direct delivery by ordering the products listed thereon (Figure 10A and Figure 10B).

Referring to claim 2. Kenney further discloses a method wherein the worksheet is built by keying in stock numbers for the products included in the product database (column 10, lines 45-63).

Referring to claims 3-5. Kenney further discloses a method wherein the worksheet is built by searching the product database by:

- Category and adding the product found to the worksheet (column 4, lines 1-19, "Unique items such as flowers or vegetables could be ordered by category, number, and total cost or amount required.").
- Manufacturer part number and adding the product found to the worksheet (column 4, lines 1-19, "Unique items such as flowers or vegetables could be ordered by category, number, and total cost or amount required.").
- Keyword and adding the product found to the worksheet (column 8, lines 10-50, "This allows, for example, a hierarchy of classifications to be assigned to each product to facilitate text-based searching for particular products or types of products.").

Referring to claims 6-8. Kenney further discloses a method wherein the worksheet is built by:

Art Unit: 3625

- Cloning product stock numbers from another worksheet (column 11, lines 8-20, "...selects any reorder items from an existing reorder list.");
- Cloning another worksheet (column 11, lines 8-20, "...install a reorder list."); and
- Cloning a product order (column 11, lines 8-20, "...install a reorder list.).

Referring to claims 9-11. Kenny further discloses a method wherein the worksheet is built by:

- Importing a template (column 11, lines 8-20);
- Importing a line item from a previous product order (column 11, lines 8-20); and
- Importing a line item from a template (column 11, lines 8-20).

Referring to claim 12. Kenny further discloses a method wherein the worksheet is built by loading a template into the worksheet and editing each line item as desired (column 11, lines 8-34).

Referring to claim 13. Kenny further discloses a method wherein the worksheet is built by loading a template into the worksheet (column 11, lines 8-34).

Referring to claim 14. Kenny further discloses a method comprising reserving the quote for a predetermined period of time (column 11, lines 8-34).

Referring to claim 15. Claim 15 is rejected under the same rational as set forth above in claim 1.

Referring to claim 16. Kenny further discloses a client server system including means for saving said filled-in worksheet for later retrieval (column 11, lines 8-34).

Referring to claim 17. Claim 17 is rejected under the same rational as set forth above in claims 6-8.

Referring to claim 18. Claim 18 is rejected under the same rational as set forth above in claims 9-13.

Referring to claim 19. Claim 19 is rejected under the same rational as set forth above in claims 9-13.

Referring to claim 20. Claim 20 is rejected under the same rational as set forth above in claim 1.

Referring to claim 21. Kenny further discloses a website wherein:

- Said software includes a presentation layer (Figure 1);
- A business layer communicating with said presentation layer (Figure 2); and
- A data layer communicating with said business layer (Figure 2).

Referring to claim 22. Claim 22 is rejected under the same rational as set forth above in claim 1.

Response to Arguments

Applicant's arguments filed October 15, 2003 have been fully considered but they are not persuasive.

The Attorney argues that Kenney does not disclose a worksheet having rows and columns where two of the columns are empty, which are then filled by the user with the product stock number and the corresponding quantities.

The Examiner notes, Fig. 9 clearly shows a worksheet having rows and columns where two of the columns are empty, which are then filled by the user with the product stock number and the corresponding quantities. Fig. 9 shows a product information

Art Unit: 3625

window 40 to be displayed when the cursor 34 is placed on the shelf label "hot spot" and clicked on.

The Examiner further notes, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

October 27, 2003



**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800**